

**Central Administrative Tribunal
Lucknow Bench Lucknow**

**Original Application No.104/2008
This, the 7th day of July 2008**

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Smt. Mamta Srivastava, aged about 52 years, w/o Late Sri Vidya Mohan Srivastava, R/o 13/2, Malviya Nagar, Dalibagh, Lucknow.

Applicant.

**By Advocate:- Shri Manoj Kumar Sahu.
Shri G.K. Chaturvedi.**

Versus.

1. Union of India, through Secretary, Department of Posts and Telecommunication, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Director Postal Services, Head Office, Lucknow.
4. Senior Superintendent, R.M.S. 'O' division, Lucknow.
5. Senior Post Master, Chowk, Lucknow.

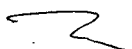
... Respondents.

By Advocate:- Shri G.K. Singh.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed this OA under Section-19 of the Administrative Tribunal Act, 1985 with a prayer to stay the operation/ implementation of order Dt. 30.12.2005 (Annexure-A-1) and Dt. 14.11.2007 (Annexure-A-2) and the amount of family pension may



be allowed to be paid to the deceased family including the amount of DCRG with interest.

2. The respondents have not filed any objection/ Counter Affidavit.


3. Heard.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the applicants husband Late Vidya Mohan Srivastava, while in service occupied the railway quarter bearing No. 13/2 Type-II, Postal Colony, Malvianagar, Aishbagh, Lucknow. On account of departmental proceedings his services came to an end on 02.05.2003 and against which, he preferred an appeal but died on 29.06.2003 during the pendency of the appeal and upon which, the punishment of removal was reduced to compulsory retirement. The family of the deceased employee has been in continuous occupation of the quarter and they also filed Suit against the respondent authorities not to evict them, which is pending on the file of Civil Court, in which stay has been granted.

6. The applicant when made representation for payment of DCRG, the respondents vide order Dt. 30.12.2005 claimed damage rent and asked her to pay the same, for release of DCRG. Further, Respondent No.4 also started deduction of damage rent from the family pension of the applicant under Annexure-A-4 Dt. 03.12.2007.

7. The applicant filed this OA and sought stay of operation and implementation of order Dt. 30.12.2005, under which the respondent authorities stopped payment of DCRG amounting to Rs.1,01,135/- on



the ground that the applicant has not vacated the quarter and also not paid the damage rent and thus directed the applicant to vacate the quarter for payment of DCRG amount. Admittedly, the applicant has not paid the damage rent, which is an amount of Rs. 65,150/- and she has also filed Suit against the respondents not to evict her from the quarter and in which stay has been granted. The respondent authorities are also presently collecting the damage rent from the family pension payable to the applicant is not in dispute.

8. At this stage, learned counsel for applicant submits that the applicant has no objection in deducting damage rent covered under Annexure-A-4 from the family pension but sought for release of DCRG payable to the applicant.

9. When, it is the claim of the respondents that the applicant fell due of damage rent of Rs. 65,150/-, issuing of any direction to the respondents for release of DCRG is not at all justified but in the circumstances of the case, the OA is disposed of with a direction to the respondents to release the balance amount of DCRG payable to the applicant after deducting arrears of damage rent of Rs. 65,150/- till finalization of such claim of damage rent as claimed by the respondents and also pay interest on the balance amount of DCRG to the applicant as per rules. No costs.


(M. KANTHAIAH)

MEMBER (J)

07.07.2008